

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>BRADLEY THOMAS, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>vs.</b>	)	<b>CASE 1: 2006-CV-165-MEF-DRB</b>
	)	
<b>NCB MANAGEMENT SERVICES, INC.,</b>	)	
<b>JOHN HARDING, an Individual</b>	)	
	)	
<b>Defendant.</b>	)	

**MOTION TO COMPEL**

Comes now the Plaintiffs in the above-styled matter by and through undersigned counsel of record and hereby files this Motion to Compel the Defendants to allow a site inspection that was previously noticed pursuant to Federal Rules of Civil Procedure 34. As grounds for said motion the Plaintiffs' further state as follows:

1. That the parties have been attempting to schedule depositions of employees and corporate representatives of the Defendant NCB Management Services, Inc. in Philadelphia, PA for several months.
2. The parties have now set the deposition dates for Friday, May 11, 2007.
3. Previously the Plaintiffs' in prior notices of the depositions, requested the Defendants to allow a site inspection pursuant to F. R.C.P. 34.
4. The Defendants, through their legal counsel have refused the request for the site inspection without giving any grounds. (A copy of the correspondence from the Defendant's counsel is attached and incorporated here by reference.)
5. The Federal Rules of Civil Procedure freely allow site inspections between the parties upon reasonable notice provided through Rule 34. (Attached hereto is the current notice for site inspection that has been sent to Defendant's counsel for use in this matter.)
6. The Plaintiffs' want to review and see the area wherein the debt collector, John Harding has worked at the company and also to review the areas of the company for further use in discovery and preparation for trial in this matter.

7. Defendants have raised no viable basis for a denial or refusal to allow the site inspection, which has been reasonably and noticed giving ample opportunity for notice of the visit.
8. Plaintiffs' have agreed not to make audio or video recordings of the areas reviewed unless the defendants expressly give them permission to do so.
9. It is anticipated that the site inspection would last thirty minutes or less.

**WHEREFORE PREMISES CONSIDERED**, the Plaintiffs' respectfully request this Court to enter an order compelling the defendants to allow the site inspection as noticed by the plaintiffs' counsel at the requested date and time pursuant to F.R.C.P. 34 as due notice of the site inspection has been given.

Respectfully Submitted,

/s/ Gerald A Templeton, Esq.  
**Gerald A. Templeton, Esq.**  
Attorney for Plaintiffs

**OF COUNSEL:**  
**THE TEMPLETON GROUP, P.C.**  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 25<sup>th</sup> day of April 2006, I served by Facsimile Transmission and via Electronic Filing, a true and correct copy of the foregoing document to the following parties:

**Jeffery L. Luther** (LUTHJ0532)

Attorneys for NCB Management Services.

PO Box 1003

Mobile, AL 36633

(251) 433 8088

(251) 433 8011

**David G. Poston** (POS007)

Brock and Stout

PO Drawer 311167

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(334) 671 5555

(334) 671 2689 Fax

/s/ Gerald A Templeton  
OF COUNSEL

**LUTHER, OLDENBURG & RAINEY, P.C.**  
LAWYERS

JEFFREY L. LUTHER  
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L. BRATTON RAINEY, III  
JOHN R. NIX  
DANNY J. COLLIER, JR.  
LUCIAN B. HODGES \*  
AMANDA P. RICKMAN  
D. TRICE STABLER  
MICHAEL P. BARRATT  
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POST OFFICE BOX 1003  
MOBILE, ALABAMA 36633  
TELEPHONE: (251) 433-8088  
FACSIMILE: (251) 433-8011

April 2, 2007

**Via Facsimile & U. S. Mail**

\* ALSO ADMITTED IN FLORIDA AND MISSISSIPPI

Gerald A. Templeton, Esquire  
The Templeton Group, P.C.  
1000 Providence Park, Suite 200  
Birmingham, Alabama 35244

**RE: Insured: NCB Management Services, Inc.**  
**Claimant: Bradley & Laurie Thomas**  
**Our File No.: 06-060-JLL**

Dear Jerry:

We object to your Notice of Site Inspection and cannot agree to allowing you to conduct the same.

Very truly yours,

LUTHER, OLDENBURG & RAINEY, P.C.  
*Dictated but not read or signed*  
*In order to expedite service*  
Jeffrey L. Luther

JLL/ggd

cc: D. Trice Stabler, Esq.

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<b>JOHN HARDING, an Individual</b>	)	
	)	
<b>Defendants</b>	)	

**NOTICE OF SITE INSPECTION**

**Date:** May 11, 2007

**Time:** 8:00 A.M.

**Location:** NCB Headquarters in Pennsylvania and other company locations where collectors for the company are working.

**PLEASE TAKE NOTICE**, that counsel for the Plaintiffs, Bradley Thomas and Laurie Thomas will do a site inspection pursuant to the Federal Rules of Civil Procedure 34 at the above time, date and location to review, inspect and observe the physical premises of the company and the areas of the company where: (1) collectors work or are working, (2) it maintains executive offices, (3) computer operations are centralized or networked from, (4) telephone systems are centralized, (5) collection systems are used, and (6) all areas where John Harding has worked or is working at the company.

Counsel for Plaintiffs' agree not to make audio or video recordings of such areas reviewed, without the express permission of counsel for the Defendant or the Defendant. This site inspection is authorized pursuant to the Federal Rules of Civil Procedure 34, without leave of court. The site

visit will occur as part of and in conjunction with the depositions that will be taken in this matter on the succeeding dates and for purpose of discovery and for use as evidence in this action as permitted under the Federal Rules of Civil Procedure.

Respectfully Submitted,

/s/ Gerald A. Templeton  
Gerald A. Templeton  
One of the Attorneys for Plaintiffs

**OF COUNSEL:**  
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[jerry@ttgpc.com](mailto:jerry@ttgpc.com) email

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I hereby certify that on this the 25<sup>th</sup> day of April 2007, served via First-Class mail, postage prepaid, a true and correct copy of the foregoing document to the following parties:

**Jeffery L. Luther** (LUTHJ0532)  
Attorney for NCB Management Services.  
PO Box 1003  
Mobile, AL 36633  
(251) 433 8088  
(251) 433 8011

**David G. Poston** (POS007)  
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/s/ Gerald A. Templeton  
OF COUNSEL